

Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
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(2)

CASE NO. 90-175

U.S. SUPREME COURT OF THE UNITED STATES

SYLVIA J. DENNIS,

Plaintiff,

v.

CITY OF MIDDLETON,
TIMOTHY R. STUDER, and
JOEL G. DEVORE,

Respondents.

REPLY BRIEF

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BEST AVAILABLE COPY



FURTHER ARGUMENT

Thus far, the City of Middleton has chosen not to respond to my Writ of Certiorari.

However, I would like to provide further argument on paper, since I do not now know if I will be invited to give oral arguments in person, or otherwise provide information to the Justices.

Since the City of Middleton has not responded, I would move for Judgment with damages (punitive and compensatory), back pay, attorney costs, copy costs, (lodging and meal costs that may yet need to be incurred to defend my rights), and at an interest rate that would encourage prompt payment, since I will be in an awkward position if the Court, in their wisdom, should order my



reinstatement as City Clerk and I would have to collect from my public employer. I then would be in a poor bargaining position for enforcement of the Order. I will allow the City to pay over a period of five years, if they desire.

However, I should point out that Judge Bardwell granted a temporary injunction (until further order of the court) that Mr. Studer could not give me any more discipline until the Court decided if I was a Department Head, and the City continued to discipline me, including attempted murder by Mr. Studer, and finally reorganized me out, and denied my due process rights in the process.

If necessary, Dane County could assess it as a special charge, since they prepare the tax bills for the City.



To re-emphasize, the main thread running throughout my case is that I was denied my "communication" rights by two officers of the City and when I grieved my rights, they and the City retaliated. To them, the City Clerk was "just a clerical" and they had placed me at the bottom of the City, so they gave me no respect and very little consideration. Mr. Studer wanted to do as he pleased and to hell with the law, since he profited from ignoring it. Mr. DeVore wanted to work as little as possible, and both of them were looking forward to the next raise, as soon as they got rid of this Clerk, who was staying for God knows what reason (they'd taken all the incentives away or tried to, and given me the hardest and most stressful tasks, and yet, I had the greatest responsibilities).



Mr. Studer and Mr. DeVore conveyed the idea that I was a nuisance, a person to be barely tolerated, but to the City itself, I was indispensable to perform the duties that carried on the business of the City (signing all contracts, taking Council minutes, conducting and supervising elections and workers, collecting monies--all statutory duties).

Mr. Studer and Mr. DeVore hated and despised me because they profited from my degradation.

I have an article from the Wisconsin State Journal of August 11, 1990 which points out that Wisconsin is one of the few states that has a "hate crimes" statute. (Exhibit #1).

I treated all people in the City (both the poor and the rich) in a fair and honorable manner and I behaved in a professional manner at all times.



I tried to be fair and impartial with all of the people. I did not try to avoid giving people information about how to present a claim against the City, as Mr. Studer did, so there would be a larger surplus and thus a larger raise, and I did not make derogatory remarks about the needy people that came for assistance, as Mr. DeVore did. As my church, St. Luke's teaches, treat all the same or be kind to the poor. We've also recently sang a song that says, "Give justice a larger place."

I kept an open mind and listened to the people and gave them the best service that I could, to the best of my ability.

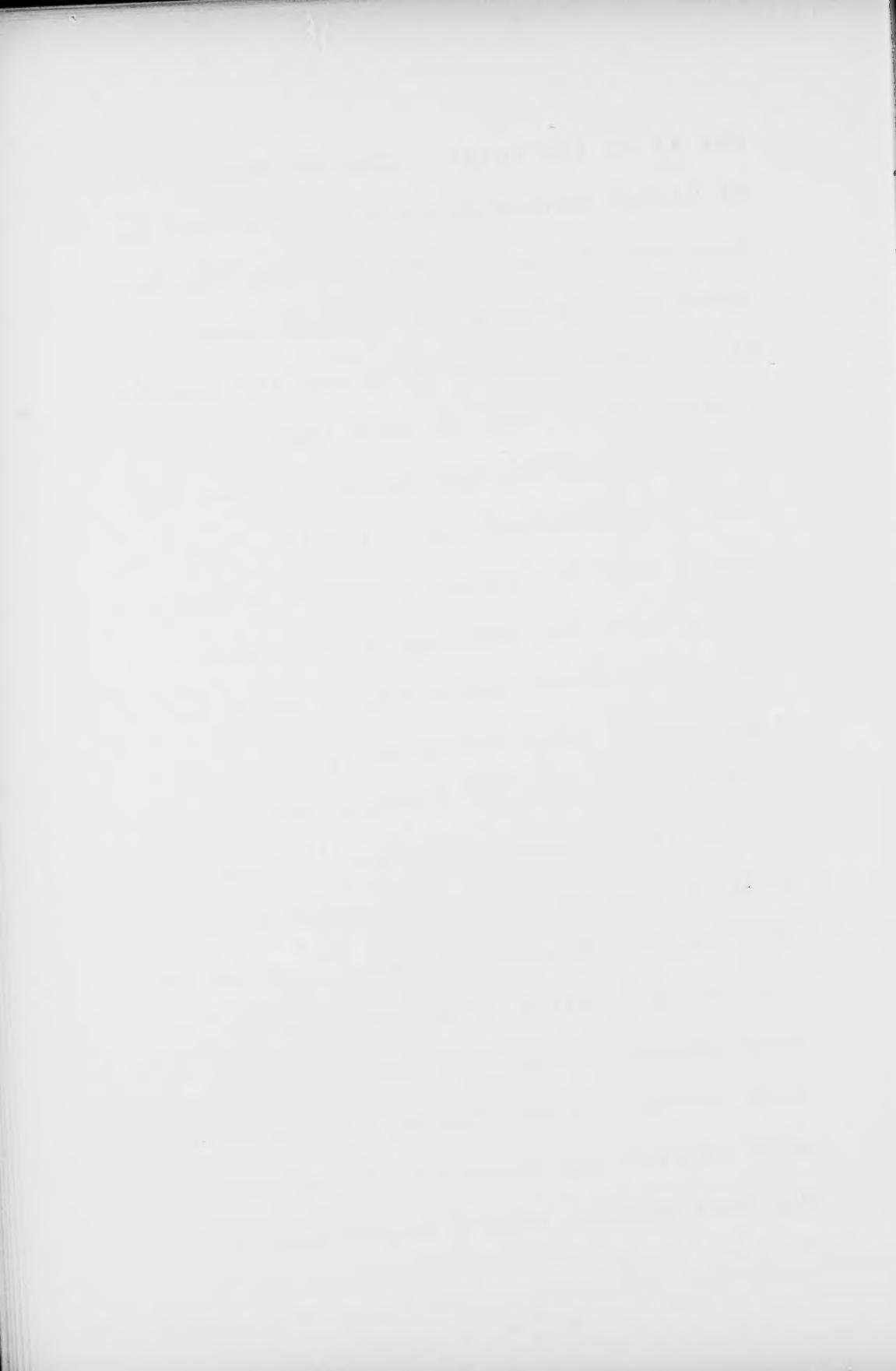
Recently, I received an "A" for the MATC Time Management course that I took where we prioritized the duties,

delegated some of them, and then prepared a one-week schedule of meetings and events. I am enclosing my recent report card for the Supervisory Technician Program that I was enrolled in. (Lodging Exhibit #2). I performed exemplary for the City and should have been rewarded as such, instead of being harassed, intimidated, and "disciplined" by my supervisors.

On the day that Mr. Studer tampered with my car brakes, I had gone to work as usual and my car was working fine. I parked it in the City parking lot and went in. After work, when I got in my car and drove about two blocks, the red "brake" light came on and I immediately turned into the nearest station, Fred's Standard Service, and told the attendant to see what was wrong since I had only driven it out of the parking lot for about two blocks. He said, okay,



put it on the hoist. Charles Maulbetsch of Valley Bank-Middleton had followed me into the station. (The City and the bank share that parking lot). After looking at it, Fred asked me if I had any enemies? I said, why? Then he said that it was done deliberately and could not have come from ordinary use. I said, "not that I know of, except possibly my two supervisors who just lost a reprimand, but that was two weeks ago. I think they should have recovered by now." I asked if there was a charge and I paid it and went on my way. I knew I had a meeting that I wanted to attend that night. However, I thought about it and couldn't think of anyone else who, even remotely, that I'd even had words with lately. I determined I would be more careful and watch out for myself. The next morning when I walked into my



office, I looked at Mr. Studer and the look of surprise on his face was very evident. He turned around and went into his office. Then I knew I was not dealing with two honest officials but with thieves trying to "cover up" their crime.

I am still waiting for the Court to decide if the City Clerk is a Department Head and/or supervisory and/or management and/or confidential employee. I think this decision will go a long way toward protecting Clerks who do not have time to "lobby" public officials every day but work to provide service to all of the citizens on a consistent basis, day in and day out, who take Council minutes as needed, Committee minutes, sign contracts, and keep the City in good working order. A good Clerk does not need supervision but should

hire a Deputy that is honest and
trustworthy, which Mr. DeVore was not.

I was an appointed Clerk and some Clerks
are elected, but it really should make no
difference in our status or our authority.
I have asked Senator Fred Risser, President
of the Wisconsin Senate, and he said that
they have no plans to require all Clerks
to be "elected" and I agree with that.
I do not think that would solve the
problem, either. You should be part
of the solution, not part of the problem.
Already, I do not think the legal system
is working very well. It should work to
protect ordinary citizens, not criminals.

As I said earlier, the thread that runs
throughout my briefs (and you should
read all of them at the various levels
of courts) is the deprivation of my



"Communication" rights. From the beginning and throughout my entire term, the City of Middleton kept mail that was addressed to me, even though I was present and performing my duties well. I also had personal liability for the non-performance of my duties. I have an article from the Milwaukee Sentinel which states that mail is the lifeline to Alaskans. (Lodging Exhibit #3).

They deprived me so badly that it would have been the single greatest contributing factor to my failure, if I had failed, which I did not. I succeeded in spite of all their actions and I did the right thing, despite their prejudices. I was not "cowed" by their narrow minds, and selfish greed.

From the day that Mr DeVore told me to "throw it in the wastebasket" when I tried to give accurate infrmation to a Common Council member, through my first grievance when I "asked for advice" from the Mayor and Council, by memo form, when I was clearly liable for non-performance, to the second grievance when I took off two hours after the Presidential election, which was my past practice, through my refusal to move out of my office on the deadline for filing nomination papers, when it is my duty to certify that they are sufficient for a candidate to be placed on the ballot, to the fourth grievance when I lost four days without pay for talking to a high school class, which was later repaid to me) - the "government, law and You" class about City government, elections, the duties



of City Clerk and the City organizational structure, - these all relate to being able to communicate in a free and open manner, without interference or intimidation. Oppression is the absence of choices and they tried to deprive me of as many choices in my work as they could. They narrowed and confined it so much that it was stifling and their so-called supervision was oppressive and unreasonable. It was never necessary that I be supervised so closely, because I did my work well.

It was necessary to them that I be closely supervised so they could hide their guilt and cover up any leaks in their corrupt organizational plan.



FAMOUS LAST LINE

**"Choose a job you love, and you will
never have to work a day in your life." —
Confucius (551-479 B.C.).**

"America is only you and me."
Walt Whitman

Given under my hand
at the City of Middleton, Wisconsin,
this 22nd day of August, 1990.

Sylvia J. Dennis
Sylvia J. Dennis, Pro se